

## Appellate Court Decisions - Week of 10/15/18

*Note: This is not a comprehensive list of every case released this week.*

### First Appellate District of Ohio

#### **State v. Long, 2018-Ohio-4194**

**Postconviction: Public Records**

**Full Decision:**

<http://www.supremecourt.ohio.gov/rod/docs/pdf/1/2018/2018-Ohio-4194.pdf>

**Summary from the First District: “The common pleas court erred in denying postconviction petitioner’s request for, because petitioner had established an entitlement to, a finding for purposes of the Public Records Act that ‘the information sought in the public record is necessary to support what appears to be a justiciable claim,’ when the request was made in connection with, and sought information material to, pending postconviction prosecutorial-misconduct and ineffective-counsel claims that were cognizable in a late postconviction petition. See R.C. 149.43(B)(8).**

**“The common pleas court’s entry denying the request of a postconviction petitioner for a finding for purposes of the Public Records Act that ‘the information sought in the public record is necessary to support what appears to be a justiciable claim’ constituted a final appealable order, because the entry was made in a special proceeding and affected a substantial right. See R.C. 149.43(B)(8), 2505.03(A) and 2505.02(B)(2).”**

### Second Appellate District of Ohio

*Nothing to report.*

### Third Appellate District of Ohio

*Nothing to report.*

### Fourth Appellate District of Ohio

*Nothing to report.*

### Fifth Appellate District of Ohio

*Nothing to report.*

## **Sixth Appellate District of Ohio**

*Nothing to report.*

## **Seventh Appellate District of Ohio**

*Nothing to report.*

## **Eighth Appellate District of Ohio**

**State v. A.M., 2018-Ohio-4209**

**Ineffective Assistance: Sentencing: Allied Offenses: Merger**

**Full Decision:**

**<https://www.supremecourt.ohio.gov/rod/docs/pdf/8/2018/2018-Ohio-4209.pdf>**

**Summary from the Eighth District: “Trial court did not err in denying appellant’s motion for mistrial where a witness made an isolated reference to hearsay indicating that the appellant may have previously been in prison. Trial court did not err by failing to sever sexual assault charges involving three separate victims as the evidence at trial was simple and direct. Appellant’s counsel provided ineffective assistance of counsel by failing to move for merger of various rape and kidnapping counts that constituted allied offenses of similar import.”**

## **Ninth Appellate District of Ohio**

*Nothing to report.*

## **Tenth Appellate District of Ohio**

*Nothing to report.*

## **Eleventh Appellate District of Ohio**

*Nothing to report.*

## **Twelfth Appellate District of Ohio**

*Nothing to report.*

## **Supreme Court of Ohio**

*Nothing to report.*

**Sixth Circuit Court of Appeals**

*Nothing to report.*

**Supreme Court of the United States**

*Nothing to report.*